

REMARKS/ARGUMENTS

Upon entry of the instant amendment, claims 33-65 are pending in the instant application. Claims 33-65 have been added. Claims 1-15 and 22-32 have been canceled without prejudice. Applicants respectfully submit that the amendments do not introduce new matter and are made without any intention to abandon the subject matter as filed, but with the intention that claims of the same, greater, or lesser scope may be filed in a continuing application.

The Examiner cites US Publication No. 2002-00188506 to Smith in the instant office action as anticipating the instant application. The Examiner's assertion is respectfully traversed as will be depicted herein below.

During the preparation of the response to this office action the applicant's representative uncovered a new prior art, US Patent No. 7,080,018 to Fox et al, which was previously submitted with an IDS.

Rejections Under 37 C.F.R. §1.75(c)

The Examiner rejected claim 2-6, 8-10, 13, 15, 23-27, 29 and 30 under 37 C.F.R. §1.75(c), as being of improper dependent forms for failing to further limit the subject matter of a previous claim. The claims of the instant application have been cancelled rendering the rejections of the Examiner moot.

Rejections Under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 30 under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements, amounting to a gap between the elements. Claim 30 of the instant application has been cancelled rendering the rejections of the Examiner moot.

Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 1-15 and 22-32 under 35 U.S.C. §102(b) as being anticipated by Smith US Publication No. 2002-0188506, referred to as Smith from hereon in. The Examiner asserts that Smith teaches a method for delivering weather related advertisement to an individual. The Examiner specifies that the disclosure by Smith particularly that taught in Figure 1, paragraph 24 to paragraph 38 and paragraph 56 to paragraph 72 anticipate the system and method for weather based advertising of the present invention. The Examiner's rejections are respectfully traversed as detailed below.

More specifically, the examiner asserts that independent claims 1 and 22 along with their respective dependent claims are anticipated by Smith for a system and method for delivering weather related advertisement. The Examiner's rejection is respectively traversed as Smith does not introduce a method for weather based advertising or information that is related to a nowcast. A nowcast comprises a forecast that is both within a real-time time frame and within a geographically confined location, as defined throughout the application. Smith does not disclose a time and location dependent weather information system or a similar time dependent weather forecast that is integrated with advertising. Instead, as clearly depicted in paragraph 57, Smith refers to an area relating to a predefined location along a vehicular travel route based on a predefined destination and a weather database that is linked to the vehicular route. Furthermore, Smith indicates that determining a destination for the route is a necessary step in determining the weather forecast for the abstracted route, as defined throughout Smith for example in paragraphs 8, 26, 31, 54-55. Moreover, as depicted in Smith paragraph 57, the advertising information provided to the

user is based on the route itself and not on the weather conditions along the route. Therefore, clearly Smith does not define or suggests providing a user with a location, time and weather based advertising as defined throughout the instant application.

Similarly, Fox et al, discovered by the applicant during the preparation of the instant response and disclosed herewith in an IDS, require the use of a predefined destination and planned activity in order to produce the geographically confined forecast and advertisement. Although Fox et al does disclose a method allowing both time and geographically confined forecast the relative scale used by Fox et al is not in keeping with that taught by the present invention, wherein a nowcast is used to generate instantaneous weather based advertisement while Fox et al teach at its finest scale a day based forecast while the geographical location at its finest scale is a metropolitan region.

Moreover, delivery of said advertisement to the individual as described in Smith is only based on the vehicle and a wireless device that is confined or associated to a vehicle and based on its movement along a route. Conversely, the present invention is not dependent on routing information to deliver the advertisement. Moreover, the wireless network disclosed by Smith is a wireless network specifically associated with a vehicle for example a transponder. Conversely, the instant invention refers to a wireless communication network that is not based on a vehicle, its path or the like. The mobile device referred to in the instant application allows a user to communicate and visualize through a display on the wireless device and is therefore independent and does not require a PADS as described by Smith. The instant invention for a weather based advertisement utilizes a nowcast and is therefore independent of a destination or route.

Accordingly, claims 1-15 and 27-32 toward a method of weather based advertising have been cancelled, new claims 33-65 are presented to emphasize the inventive features of the present weather based advertising method to include a nowcast. No new matter has been introduced in the new .

Smith teaches a method that is centered around the vehicle, the route it travels, and vehicular needs. However, Smith does not teach, describe or merely suggest the user of a mobile, point specific weather forecasting means, for example nowcasting, that is utilized to generate advertisement, coupons and weather demand curve as is depicted in the instant application.

Similarly, Fox et al teaches weather based advertising method that is geographically confined and having a defined time period. However the geographically confined area according to Fox et al, is a large area, ie. a metropolian, in keeping with a regular forecast that is not point specific as is the nowcast utilized with the instant application. Additionally, Fox et al defined the time period that is limited to about a day, as available in a regular forecast rather than a nowcast as utilized in the instant application. Specifically, the large geographic area defined in Fox et al, metropolitan area, does not provide a user with a forecast for the various "Micro Climates" found and experienced within a large metropolitan area. Moreover, the large timeframe depicted by Fox et al, minimum of one day, utilizes a function of the long range weather forecast. Such a timeframe utilizes a forecast that is based on statistical predictions that tend to be inaccurate when pointing on specific readings at an exact location at a specific point in time. This inaccuracy is particularly evident in situation where there are rapid changes in the weather.

The instant application however, does not rely solely on the statistical model, instead, the weather based advertising uses nowcasting and its related tools to produce weather based advertising. The finely tuned temporal and location based weather based advertising of the instant application therefore generate different advertisement than that of Fox et al or Smith, primarily due to the use of nowcasting instead of forecasting. Moreover, the use of the present invention with the nowcasting prediction method, provides a micro climate, able to forecast extreme weather conditions, and other min / max conditions that occur in real life but are not foreseen by the statistic model based forecast used by both Fox et al and Smith. Therefore, the weather based advertisement according to the instant application utilizing a nowcast would generate a variety of advertisement possibilities that are in line with the exact, short term weather conditions. Such short term climatic changes are not described or considered by Smith or Fox et al.

Although Smith does disclose an advertising matrix he does not disclose or suggest the use of a weather dependent advertising matrix wherein the displayed ad is depended on weather conditions. Rather, Smith's advertising matrix described in paragraph 59 to 66 depicts a selected advertising scenario based on customer purchase. While, in paragraph 67 Smith does indicate that the adaptive advertisement may be weather dependent however no enablement is provided other than to indicate that a neural network may be employed. However, as discussed above Smith does not discuss or suggest the use of a nowcast based advertisement as disclosed in the instant application. Furthermore, the instant invention clearly enables and describes how weather based advertising may be employed solely based on three factors weather, user and advertiser, as depicted in Figure 8 for example.

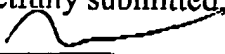
Furthermore, neither Fox et al nor Smith disclose or suggest an advertising matrix that is able to automatically generate an ad campaign scenario based on meteorological parameters or a nowcast parameters, also taking into account the user and advertiser's needs. For example, user preferences and historical consumer behavior may effect the weather based advertisement produced by the system and method of the instant application. Similarly, the advertiser's needs are considered with respect to controllable parameters used to advertise, target audience, media type or the like. Accordingly, the integration of weather forecast, user behavior and advertiser parameters utilizing a Rule Engine is not taught or suggested by Smith or Fox et al. Similarly, the prior art does not teach or suggest the use of a Learning Engine to identify consumer behavior based on changes in weather.

CONCLUSION

Applicant believes that the claims are in condition for allowance. If the Examiner believes that a telephonic interview with the undersigned would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned at (301) 952-1011.

Respectfully submitted,

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Attachments